

RETURNS: Each defendant was served according to law, as indicated below, unless not found.

NAME.....
ADDRESS.....
<input type="checkbox"/> PERSONAL SERVICE	Tel. No.
Being unable to make personal service, a copy was delivered in the following manner:	
<input type="checkbox"/> Delivered to family member (not temporary sojourner or guest) age 16 or older at usual place of abode of party named above after giving information of its purport. List name, age of recipient, and relation of recipient to party named above.	

NAME.....
ADDRESS.....
<input type="checkbox"/> PERSONAL SERVICE	Tel. No.
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NAME.....
ADDRESS.....
<input checked="" type="checkbox"/> PERSONAL SERVICE	Tel. No.
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<input type="checkbox"/> Delivered to family member (not temporary sojourner or guest) age 16 or older at usual place of abode of party named above after giving information of its purport. List name, age of recipient, and relation of recipient to party named above.	
10/2/21	
DATE	CLERK/DEPUTY CLERK <i>Janet McHanahan</i>
<input type="checkbox"/> Posted on front door or such other door as appears to be the main entrance of usual place of abode, address listed above. (Other authorized recipient not found.)	
<input type="checkbox"/> Served on Secretary of the Commonwealth	
<input type="checkbox"/> NOT FOUND	SERVING OFFICER
DATE	10-5-17
DATE	for <i>Ray Foster</i>

OBJECTION TO VENUE:
To the Defendant(s): If you believe that Plaintiff(s) should have filed this suit in a different city or county, you may file a written request to have the case moved for trial to the general district court of that city or county. To do so, you must do the following:

1. Prepare a written request which contains (a) this court's name, (b) the case number and the "return date" as shown on the other side of this form in the right corner, (c) Plaintiff(s)' name(s) and Defendant(s) name(s), (d) the phrase, "I move to object to venue of this case in this court because" and state the reasons for your objection and also state in which city or county the case should be tried, and (e) your signature and mailing address.
2. File the written request in the clerk's office before the trial date (use the mail at your own risk) or give it to the judge when your case is called on the return date. Also send or deliver a copy to plaintiff.
3. If you mail this request to the court, you will be notified of the judge's decision.

I certify that I mailed a copy of this document to the defendants named therein at the address shown therein on

.....

DATE

Plaintiff
 Plaintiff's Atty.
 Plaintiff's Agent

E. Fa. issued on _____
Interrogatories issued on _____
Garnishment issued on _____

**PETITION FOR PROCEEDING IN CIVIL CASE
WITHOUT PAYMENT OF FEES OR COSTS**

COMMONWEALTH OF VIRGINIA VA.CODE §§ 16.1-69.48:4; 17.1-606

Case No.

Buchanan County
Scott, Melinda

[] Juvenile & Domestic Relations District Court
[] Circuit Court [] General District Court

v. Appalachian Rental Solutions

The undersigned petitioner(s) request the court to permit the petitioner(s) to sue or defend a civil case in this court without the payment of fees or costs and to have from all officers all needful services and process. In support of the petition, the petitioner(s) state that the following information is true:

[] I currently receive the following type(s) of public assistance in Wise County, VA

[] TANF \$ [] Medicaid [] Supplemental Security Income \$ 735

[] SNAP (food stamps) \$ 809

[] Other (specify type and amount)

[] I currently do not receive public assistance.

Names and address of employer(s) for myself and spouse:

Self Appalachian School of Law (Student)

Spouse (watches our children while I attend classes) /watches disabled child

NET INCOME:

Pay period (weekly, every second week, twice monthly, monthly)

Net take home pay (salary/wages, minus deductions required by law)

Other income sources (please specify)

SST for disabled child (\$735/mo) (above)
Student Loans (\$800/mo)

TOTAL INCOME

Self n/a

Spouse n/a

\$ n/a

n/a

COURT USE ONLY

A

ASSETS:

Cash on hand

Bank Accounts at: Wells Fargo

Any other assets: (please specify)

with a value of

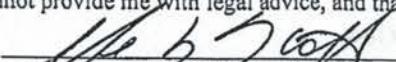
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ACKNOWLEDGEMENT

I understand that the court cannot provide me with legal advice, and that it may be advisable to get advice from a lawyer.

9/28/17

DATE

 SIGNATURE - PETITIONER

MELINDA SCOTT

PRINT NAME - PETITIONER

SIGNATURE - PETITIONER

PRINT NAME - PETITIONER

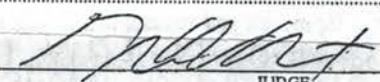
RESIDENCE ADDRESS OF PETITIONER

ORDER

The petition is granted.....
 The petition is denied.....

9/28/17

DATE



JUDGE

August 24, 2017

By mutual agreement the lease between Appalachian Rental Solutions, LLC and Melinda and Marshall Scott is being dissolved. By signature below, the parties hereby acknowledge and agree that they fully and finally waive and release any and all claims, whether known or unknown, that each one may have against the other and also acknowledge that by signing this agreement they understand all terms and conditions herein.

A security deposit of \$800.00 and August rent of \$800.00 was paid for a total of \$1,600.00. The following itemizes the refund being made back to Melinda Scott on this date via a cashier's check.

There are 31 days in August and you did not move into the 5th of the month and there are 7 days left in August (last date staying 08.24.2017) so $\$800 / 31 = \25.81 daily.

$\$25.81 \times 5 = \129.50

$\$25.81 \times 7 = \180.67

Total Rent Refund = \$310.17 (rent through 08.24.2017)

Security deposit = \$800.00

Total refund = \$1,110.17

Melinda Scott 8/25/17

Appalachian Rental Solutions, LLC, Representative
Signature & Date

Melinda Scott 8/25/17
Tenant Signature & Date

Marshall Scott 8/25/17

Tom Stittner 8/25/17
Witness (Signature & Date)

PC: Appalachian Rental Solutions, LLC
Melinda Scott

JUSTICE LAW OFFICE, P.C.

Attorneys at Law

P.C. JUSTICE, JR.

R.J. THORNBURY
Licensed in VA & KY

P.O. Box 1068 • Grundy, Virginia 24614

Telephone: (276) 935-7937

Facsimile: (276) 935-2269

JANICE L. DAVIS

NICHOLAS B. COMPTON

November 6, 2017

Judy Lyall, Clerk of Court
Buchanan County General District Court
Post Office Box 654
Grundy, Virginia 24614

Re: Melinda L. Scott vs. Appalachian Rental Solutions

Case Number: GV17-000781

Our File Number: 37919

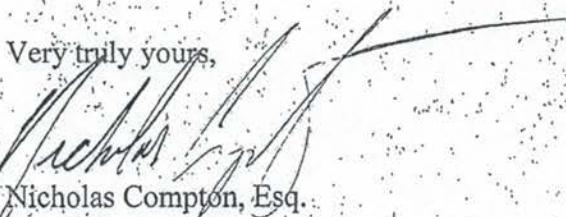
Dear Judy:

Please find enclosed a Motion for Attorney's Fees for filing in the above-captioned matter. By copy of same to Melinda L. Scott, I am notifying her of the same.

If you have any questions or concerns, please do not hesitate to contact me.

With best regards, I remain

Very truly yours,


Nicholas Compton, Esq.

NC/pli

Enclosure

xc: Melinda L. Scott
Appalachian Rental Solutions

COMMONWEALTH OF VIRGINIA

IN THE GENERAL DISTRICT COURT OF BUCHANAN COUNTY

MELINDA L. SCOTT,)
Plaintiff,)
v.) CASE NO.: GV17-000781
APPALACHIAN RENTAL SOLUTIONS,)
Defendant,)

MOTION FOR ATTORNEY'S FEES

COMES NOW, the Defendant, Appalachian Rental Solutions, in response to Defendant's Warrant in Debt alleging breach of contract and in support of this motion Defendant asserts that:

- 1) Defendant DENIES it breached the initial rental contract, nor the two additional amendments to the initial rental contract, nor the joint release of claims signed by each party.
- 2) Defendant asserts that both Plaintiff and Defendant signed a joint release agreement in which both parties waived "any and all claims, known or unknown" they may have against the other party.
- 3) On the 28th day of September 2017, after Plaintiff signed the mutual release and after receiving and cashing a certified check from Defendant, Plaintiff filed a breach of contract action against the Defendant concerning the rental contract, knowing that the parties had executed a joint release for "any and all claims" against the other party.
- 4) Defendant claimed damages in the amount of \$998.45, plus interest at 5% interest.

Scott v. Appalachian Rental Solutions
Case No.: CL17-000781
Defendant's Response and Motion for Attorney's Fees
November 6, 2017
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- 5) The Court scheduled a hearing on this complaint on the 23rd day of October 2017 at 1:00 p.m.
- 6) Defendant received notice of the hearing and appeared, with counsel, at the date and time scheduled by the Court.
- 7) The Court called the case and Plaintiff failed to appear to present her claim.
- 8) Defendant presented the joint release, moving it into evidence as Defense Exhibit 1, and *ore tenus*, moved the Court, pursuant to Va. Code § 8.01-271.1, for an award of attorney's fees to defend this warrant in debt.
- 9) The Court granted Defendant's motion and awarded attorney's fees in the amount of \$750.00 dollars.
- 10) After Defendant and counsel left the courthouse, Plaintiff appeared and moved the Court to reinstate this action for further proceedings, knowing that she had previously executed the joint release of "any and all claims, whether known or unknown."
- 11) The Court granted Plaintiff's *ore tenus* motion to reinstate the complaint and scheduled a hearing for November 27, 2017 at 1:00 p.m.
- 12) Plaintiff signed her pleadings which signifies that she:
 - (i) has read the pleading, motion, or other paper, (ii) to the best of [her] knowledge, information and belief, formed after reasonable inquiry, it is well grounded in fact and is warranted by existing law or a good faith argument for the extension, modification, or reversal of existing law, and (iii) it is not interposed for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation.

An oral motion made by an attorney or party in any court of the Commonwealth constitutes a representation by him that (i) to the best of [her] knowledge, information and belief, formed after reasonable inquiry, it is well grounded in fact and is warranted by existing law or a good faith argument for the extension, modification, or reversal of existing law, and (ii) it is not interposed for any

Scott v. Appalachian Rental Solutions
Case No.: CL17-000781
Defendant's Response and Motion for Attorney's Fees
November 6, 2017
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improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation.

Va. Code § 8.01-271.1 (2017) as amended. (Emphasis added.)

- 13) Defendant asserts that Plaintiff filed the original warrant in debt to harass Defendant and to increase Defendant's costs and Plaintiff's *ore tenus* motion for a rehearing has no foundation in law or fact thereby increasing Defendant's costs and attorney's fees.
- 14) Plaintiff failed to appear at the appointed time she requested for her hearing, which demonstrates her disregard for Defendant's time and the time of Defendant's counsel.
- 15) Plaintiff's original action has no basis as she endorsed a joint release for "any and all claims, known or unknown" she may have had against Defendant.
- 16) Further, Defendant waived "any and all claims" it had against Plaintiff and returned over \$1,000.00 dollars to Plaintiff, despite certain remedies afforded Defendant.
- 17) Plaintiff's original action and the motion to rehear have no foundation in fact and law and only serve to harass, cause unnecessary delay and needless increase in costs for Defendant.

WHEREFORE, Defendant, by counsel, pursuant to Va. Code § 8.01-271.1 moves this Honorable Court to award attorneys fees and other reasonable expenses necessary to defend this frivolous action, including the additional time and costs, including additional attorney's fees, to address the motion to rehear.

Appalachian Rental Solutions

By Counsel

Scott v. Appalachian Rental Solutions

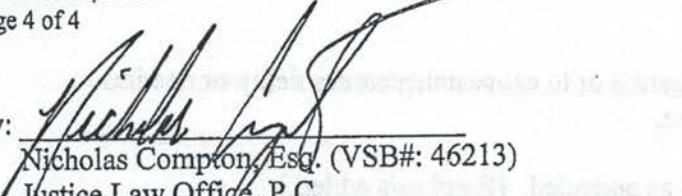
Case No.: CL17-000781

Defendant's Response and Motion for Attorney's Fees

November 6, 2017

Page 4 of 4

By:


Nicholas Compton, Esq. (VSB#: 46213)

Justice Law Office, P.C.

P.O. Box 1068

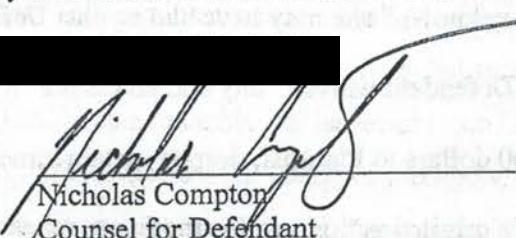
Grundy, VA 24614

(276)-935-7937

(276)-935-2269 (Fax)

CERTIFICATE OF SERVICE

I hereby certify that on this 6th day of November 2017, I mailed a true copy of the foregoing Defendant's Motion for Attorney's Fees via United States First Class Mail to: Melinda L. Scott at [REDACTED]


Nicholas Compton
Counsel for Defendant